UNITED
NATIONS

E

Economic and Social
Council

Distr.
GENERAL

E/C.12/1996/NGO/3
13 March 1996

ENGLISH
Original: SPANISH

COMMITTEE ON ECONOMIC, SOCIAL
AND CULTURAL RIGHTS
Fourteenth session
30 April-17 May 1996

IMPLEMENTATION OF THE INTERNATIONAL COVENANT ON ECONOMIC, SOCIAL AND CULTURAL RIGHTS

Written statement submitted by the Confederation of Workers (Paraguay) and the International Confederation of Free Trade Unions, a non-governmental organization in consultative status (category I)

The Secretary-General has received the following written statement, which is circulated in accordance with Economic and Social Council resolution 1988/4.

[1 March 1996]

GENERAL CONSIDERATIONS

1. Paraguay's main features are:

Marked economic backwardness reflected in a low level of output and obsolete production infrastructure;

Extensive poverty which according to the latest official reports affects 64.5 per cent of the population;

An incipient and vulnerable democracy, which emerged after the overthrow of the Stroessner dictatorship in 1989, and is constantly under threat from more powerful military, political and entrepreneurial elements.

2. In this general context, the workers are completely unprotected, since society is under strong pressure to liberalize labour relations, which would mean losing important social gains, as well as to liberalize wages, which would widen the gap between rich and poor and deprive the country of the essential basic conditions to overcome its structural deficiencies.

3. The International Covenant on Economic, Social and Cultural Rights would contribute appreciably to establishing an appropriate legal framework for action to improve the quality of life of the population; this is the basic goal of any society which prides itself on being humanist and supportive.

SOCIAL REPORT AND ACTUAL SITUATION

1. STATISTICAL MANIPULATION

4. EAP. The economically active population (EAP) constituted an absolute total of 1,671,808 persons in 1992. According to the official report, the country has an unemployment rate of just 9.5 per cent, while the rest of the population is employed. However, a statistical paper prepared by the Faculty of Economics of the National University of Asunción financed by the Inter-American Development Bank (IDB), produced the following data:

The employment problem affects 52 per cent of the total EAP, since under-employment is 43 per cent and unemployment 9 per cent; and

In order to solve the employment problem, 521,000 jobs will need to be created.

1.2 EDUCATION

5. EAP. The information on general education has also been comprehensively manipulated in the official report by the clumsy expedient of presenting the statistics of the Central Department - a privileged area in all respects - and failing to provide real figures for this delicate aspect of the situation in Paraguay.

6. In order to have an idea of the dimensions of the problem, a single fact will suffice: in 1995 more than 210,000 children received no schooling because of the lack of classrooms. Illiteracy stands at as much as 20 per cent approximately and functional illiteracy exceeds 40 per cent. Despite the constitutional guarantees of compulsory basic education free of charge, education is increasingly costly for impoverished heads of families, who frequently have to resort to private schools for lack of places in the public education system. At the secondary and university levels, the situation is becoming even worse, since the failure to expand the public education network is accompanied by a growing movement for the creation of private institutions, as part of a deliberate State policy of divesting itself of that obligation.

7. GROWTH OF GDP. There is a gross contradiction between the statement in the official report that GDP grew substantially in 1993 in the agricultural sector and the established fact - which also figures in the report - that per capita GDP decreased between 1991 and 1993. Truth to tell,

Paraguay is facing a situation of economic stagnation, since the rate of economic growth is equal to if not lower than the rate of population growth (approximately 3 per cent). The imbalances which appear in the economy are aggravated by growing corruption and a lack of appropriate management, the necessary result of which is the progressive impoverishment of the population.

8. WAGES. The statistical references to a real improvement in wages are totally false. Between 1989 and 1995 (the period of transition towards democracy) the purchasing power of wages declined by more than 30 per cent, owing, inter alia, to:

The official anti-inflation policy, partially implemented by a virtual freezing of wages; and

The relatively weak trade union movement, whose bargaining power or ability to exert pressure is still slight because of the recent integration of the independent trade union organizations.

The decline in wages is having severe repercussions on the domestic commercial sector, where sales have plummeted.

LEGAL MANIPULATION

9. NATIONAL CONSTITUTION. The references in the official report to constitutional guarantees and rights are genuine but far from effective, since the Government constantly tends to infringe them. To cite a specific instance, in 1982 the country adopted social constitutionalism, but despite this there are constant efforts to strip away and/or restrict social benefits and gains by means of lesser legislation; this fundamental contradiction has repeatedly been denounced as illegal by Paraguay's most renowned jurists. "Free education", the "right to work" and the "right to free trade union association" conflict with a perverse practice in which these established rights and guarantees are systematically violated.

INTERNATIONAL CONVENTIONS

10. It is true that the Paraguayan Government has ratified a considerable number of international conventions which protect the interests of the workers, such as the conventions on employment and trade unionism, but although as a matter of legislative precedence the conventions rank only just below the provisions of the Constitution, their observance is ignored by the authorities and the employers' organizations, which are accustomed to acting in a completely arbitrary manner.

11. LABOUR CODE. The official report stresses the highly positive aspects of the Labour Code, which are the result of the insistence by the trade unions on including features for the protection of the weakest sectors in the legal framework of labour relations. Where many workers are concerned, however, the Code is not observed. For example:

Transport workers have working days of up to 14 hours and have neither paid holidays nor social security; and

Sales personnel (who number more than 100,000) work 12-hour days, and have no weekly time off, no overtime and no social benefits.

CONCLUSION

12. We repeat that it is important for Paraguay to accede to the Covenant on Economic, Social and Cultural Rights, which provides the legal framework which may make it possible to fight to keep some social benefits and obtain others. It must be clear that the authorities are trying to conceal Paraguay's pathetic economic, social and cultural situation with the ingenuous intention of projecting an image which is neither that of the country nor of its part-time administrators.